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Statement of John W. Keys III

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U.S. Department of the Interior

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Mr. Chairman and members of the Subcommittee, my name is John Keys and I am Commissioner of the Bureau of Reclamation. It is my pleasure to be here today to provide the Department of Interior's (DOI) views on H.R. 135, the Twenty-First Century Water Commission; a bill to develop recommendations for a comprehensive water strategy to address future water needs.

The Department supports efforts to address the future of America's water supply. In Reclamation's Fiscal Year 2004 budget request, we have established a program called the Western Water Initiative that is very consistent with what we perceive the intent of H.R. 135 to be. Basically, this initiative expands and focuses on Reclamation's existing efforts to work with our partners to use technology and management techniques more efficiently and effectively to optimize water supplies.

Reclamation has a long history of managing limited water supplies in arid environments. However, with increased population growth, aging facilities, severe drought, and environmental and health concerns, our skills and resources are being challenged like never before. Reclamation's Western Water Initiative is the beginning of what we hope will be the catalyst for a longer-term strategic approach to predicting, preventing, and alleviating water conflicts. It improves upon our historic proactive, rather than a reactive, approach to water management and conservation, desalination research and development, preventing water management crises, and strengthening Endangered Species Act expertise among Reclamation employees. Last year, Reclamation began identifying areas in the West that may have potential water supply problems today or 25 years from now. Using existing information, we identified areas where there was an increase in population, water-dependent federally protected species and severe climatic conditions. The intent of this 25-year water supply study is to help us target funds in the Western Water Initiative to areas with the most critical needs.

The new Western Water Initiative uses collaboration, conservation, and innovation to make sure every drop of water counts. This means improved water conservation, investments in science and technology, and modernization of existing infrastructures. This initiative will provide a comprehensive forward-looking water resource management program that will respond to growing water demands. It will position the bureau in playing a leading role in developing solutions that will help meet the increased demands for limited water

resources in the West. This proactive initiative will benefit western communities that are struggling with increased water demands, drought, and compliance with the Endangered Species Act. The Western Water Initiative involves four major components:

Enhanced Water Management and Conservation. Funding will be used for the modernization of irrigation delivery structures such as diversion structures and canals. This will also allow Reclamation to use existing intrastate water banks where they are available, and to promote intrastate water banking as a concept to help resolve future water supply conflicts.

Preventing Water Management Crises. This initiative will enable us to provide effective environmental and ecosystem enhancements in support of Reclamation's project operations through proactive and innovative activities. For example, we are exploring ways of addressing issues at projects by identifying and integrating long-term river system ecological needs within the context of regulated river management. Pilot projects will be selected from a list of critical areas based on their potential for cost savings that could be realized from proactive planning. Pilot projects are anticipated to include environmental enhancements that provide support for project operations or optimization of project operations for both water supply and environmental benefits.

Expanded Science and Technology Program. Reclamation will expand its Desalination Research and Development Program to research cost reduction of water desalinization and waste disposal. It will also expand the effective use of science in adaptive management of watersheds. This cooperative effort with the USGS would assist Reclamation in reaching decisions that are driven by sound science and research, are cost effective, and are based on performance criteria. Funding will also provide for peer review of the science used in ESA consultations and other environmental documents issued by Reclamation. This initiative will improve Reclamation's use of science and technology to address critical water resource management issues.

Strengthening Endangered Species Act (ESA) Expertise. Funding will be used to strengthen staff expertise in implementing and complying with the Endangered Species Act, and will produce identifiable mechanisms in order to achieve continuity in evaluating biological assessments and/or biological opinions. This initiative will enable managers to acquire a greater understanding of the purpose, process and requirements of the ESA as it relates to federal actions that are important to carrying out Reclamation's water resources management mission.

My purpose in sharing our strategic vision of the Western Water Initiative with you at this time is because H.R. 135 is generally consistent with this vision.

I am pleased to see the bill has been amended from the version in the last Congress, H.R. 3561, to specifically recognize the role of states on water rights and water uses. Last year I testified that a tremendous amount of research has already been done by federal, state, local, and private entities. I am therefore pleased to see that the Commission would take this existing information into account before requesting additional studies.

For the past century DOI agencies have played an integral role in the development of Federal water management policy and any new management policy should continue to have strong input from DOI. As H.R. 135 moves through the legislative process, we would again encourage you to keep in mind the responsibilities that Congress (and the Judiciary, in some cases) has placed on DOI -- for example, the unique role the Secretary plays as Water Master for the lower Colorado River.

I have already outlined for you the steps Reclamation hopes to take to improve water management in order to meet ever-increasing demands for water. Reclamation works in an environment of cooperation with state, tribal, and local governments and other Federal agencies. H.R. 135 also differs from last year's bill by reducing the number of qualified commission members from 17 to 7. While the reduced committee size will reduce costs and perhaps improve efficiency, we would still advocate that due deference be given on membership to representatives from state government.

Lastly, the Administration objects to Section 8(b)(2) of H.R. 135 which would give the Commission the authority to require federal agencies to detail to "the Commission ... such personnel as the Commission considers necessary to carry out the provisions of this Act. Specifically, the Department of Justice has informed us that giving such power to an advisory commission raises constitutional concerns, including potential Appointments Clause problems. The Department of Justice recommends that the provision be amended to authorize (and not require) federal agencies to detail personnel to the Commission.

Thank you for the opportunity to comment. I would be happy to answer any questions at this time.